

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
In re:

HOTI ENTERPRISES, L.P. and  
HOTI REALTY MANAGEMENT CO., INC.,

Chapter 11  
Case No. 10-24129 (RDD)

Debtors.  
  
----- x

**APPELLANT'S DESIGNATION OF RECORD AND STATEMENT OF ISSUES**

Hoti Enterprises, L.P. and Hoti Realty Management Co., Inc., (collectively, the “Appellants”), having filed a notice of appeal under 28 U.S.C. § 158(a) to the United States District Court for the Southern District of New York from the June 19, 2012 Order Confirming The Third Modified Chapter 11 Plan of Reorganization for Hoti Enterprises, LP and Hoti Realty Management Co., Inc. and the July 16, 2012 Order Denying Motion for Reconsideration of Order Confirming Plan of Reorganization, hereby designate the following for inclusion in the record on appeal and set forth a statement of issues to be presented on appeal, pursuant to Bankruptcy Rule 8006:

<b><u>Date</u></b>	<b><u>Docket No.</u></b>	<b><u>Document Name</u></b>
10/22/2010	10	Motion to Authorize /Motion of GEPMC 2007 C-1 Burnett Street, LLC, for an Order Excusing Compliance with Section 543 of the Bankruptcy Code or, Alternatively, Converting This Case to a Case Under Chapter 7
11/05/2010	24	Motion for Relief from Stay /Motion of GEPMC 2007 C-1 Burnett Street, LLC
11/17/2010	34	Response to Motion of GEPMC 2007-C-1 Burnett Street, LLC for (1) an Order Excusing Compliance with Section 543 of the Bankruptcy Code or, Alternatively Converting the Case to a Case under Chapter 7 and (2) for Relief from the Automatic Stay or Dismissing the Chapter 11 Proceedings

11/17/2010 35 Motion to Approve Use of Cash Collateral and to Provide Adequate Protection Therefor

11/19/2010 36 Supplemental Response to Motion of GEPMC 2007-C-1 Burnett Street, LLC for (1) an Order Excusing Compliance with Section 543 of the Bankruptcy Code or, Alternatively Converting the Case to a Case under Chapter 7 and (2) for Relief from the Automatic Stay or Dismissing the Chapter 11 Proceedings

11/19/2010 37 Response to Motion /Response of GEPMC 2007 C-1 Burnett Street, LLC, to Declaration of Victor Dedvukaj (A) in Opposition to Motion of GEPMC 2007 C-1 Burnett Street, LLC for (1) an Order Excusing Compliance with Section 543 of the Bankruptcy Code or, Alternatively Converting the Case to a Case under Chapter 7 and (2) Relief from the Automatic Stay or Dismissing the Chapter 11 Proceedings and (B) in Support of an Order Authorizing the Debtors to Use Cash Collateral and to Provide Adequate Protection Therefor

11/19/2010 38 Affidavit of Whitney Wheeler in Further Support of the Motions of GEPMC 2007 C-1 Burnett Street, LLC, for an Order (I) Excusing Compliance with Section 543 of the Bankruptcy Code or, Alternatively, Converting this Case to a Case under Chapter 7 and (II) Granting (A) Relief from the Automatic Stay or, Alternatively, (B) Dismissal of the Chapter 11 Cases

11/19/2010 39 Affidavit of Receiver, Barbara S. Odwak, in Further Support of the Motions of GEPMC 2007 C-1 Burnett Street, LLC, for an Order (I) Excusing Compliance with Section 543 of the Bankruptcy Code or, Alternatively, Converting this Case to a Case under Chapter 7 and (II) Granting (A) Relief from the Automatic Stay or, Alternatively, (B) Dismissal of the Chapter 11 Cases

12/14/2010 52 Transcript regarding Hearing Held on November 22, 2010 RE: Motion for an Order Shortening Time; Limiting Notice and Scheduling a Hearing to Consider on an Expedited Basis the Motion of GEPMC 2007 C-1 Burnett Street; Motion for Relief From Stay/Motion of GEPMC 2007 C-1 Burnett STreet for an Order Granting Relief From the Automatic Stay or Alternatively Dismissal of the Chapter 11 Cases. Remote electronic access to the transcript is restricted until 3/14/2011.

12/22/2010 43 Stipulation and Order signed on 12/22/2010 Consenting Use of Cash Collateral and Granting Adequate Protection to GEPMC 2007 C-1 Burnett Street, LLC.

01/05/2011 48 Application for FRBP 2004 Examination filed by James B. Glucksman on behalf of Hoti Realty Management Co., Inc.

01/05/2011 49 Declaration in Further Support of Relief from the Automatic Stay

01/10/2011 53 Affidavit of Receiver, Barbara S. Odwak, Esq. in Further Support of the Motion of GECCMC 2007 C-1 Burnett Street, LLC for an Order Granting Relief from the Automatic Stay

01/12/2011 57 Objection to Motion / Objection of GECCMC 2007 C-1 Burnett Street, LLC to Application In Support of Order Scheduling Examination Pursuant to Bankruptcy Rule 2004

01/18/2011 59 Motion to Withdraw as Attorney filed by James B. Glucksman on behalf of Rattet, Pasternak & Gordon-Oliver, LLP

01/19/2011 61 Order signed on 1/18/2011 Granting Motion for Relief from Stay for creditor, GECCMC 2007 C-1 Burnett Street, LLC

02/08/2011 62 Letter Re: Substitute Counsel

02/14/2011 64 Order signed on 2/14/2011 Granting Motion to Withdraw as Attorney of Record for Rattet, Pasternak & Gordon-Oliver, LLP. (Related Doc # 59[RECAP]) (Webb, Lonnie) (Entered: 02/14/2011)

03/27/2011 75 Transcript regarding Hearing Held on 01/13/11 RE: TRANSCRIPT OF MOTION FOR RELIEF FROM STAY/MOTION OF GECCMC; APPLICATION TO EMPLOY THE CARLTON GROUP.

03/27/2011 76 Transcript regarding Hearing Held on 12/20/10 RE: TRANSCRIPT OF MOTION TO APPROVE USE OF CASH COLLATERAL AND TO PROVIDE ADEQUATE PROTECTION THEREFOR.

12/15/2011 112 Motion to Approve / GECCMC 2007 C-1 Burnett Street, LLC's Motion For Entry Of An Order (I) Approving The Disclosure Statement, (II) Approving Related Notice Procedures And (III) Scheduling An Expedited Hearing On Confirmation Of The Plan

12/15/2011 113 Disclosure Statement For Chapter 11 Plan Of Reorganization For Hoti Enterprises, L.P. And Hoti Realty Management Co., Inc.

12/15/2011 114 Chapter 11 Plan Of Reorganization For Hoti Enterprises, L.P. And Hoti Realty Management Co., Inc.

01/31/2012 118 Application to Employ Pick & Zabicki, LLP as Substitute Bankruptcy Counsel

02/13/2012 122 Objection to Motion to the Adequacy of the Information in the Disclosure Statement

02/23/2012 127 Transcript regarding Hearing Held on 02/15/2012 RE: TRANSCRIPT OF GECMC 2007 C-1 BURNETT STREET, LLCs MOTION FOR ENTRY OF AN ORDER (I) APPROVING THE DISCLOSURE STATEMENT,(II) APPROVING RELATED NOTICE PROCEDURES, AND (III)SCHEDULING AN EXPEDITED HEARING ON CONFIRMATION OF THE PLAN;OBJECTION TO MOTION TO THE ADEQUACY OF THE INFORMATION IN DISCLOSURE STATEMENT.

03/07/2012 126 Motion to Approve /Relief from Stipulation and Order Governing Debtors' Use of Cash Collateral and Related Matters Pursuant to Bankruptcy Rule 9024

03/15/2012 128 First Amended Plan / First Modified Chapter 11 Plan of Reorganization for Hoti Enterprises, L.P. and Hoti Realty Management Co., Inc.

03/15/2012 129 First Amended Disclosure Statement / First Modified Disclosure Statement for First Modified Chapter 11 Plan of Reorganization for Hoti Enterprises, L.P. and Hoti Realty Management Co., Inc.

03/15/2012 130 First Amended Plan / [Blackline Version] First Modified Chapter 11 Plan of Reorganization for Hoti Enterprises, L.P. and Hoti Realty Management Co., Inc.

03/15/2012 131 Amended Disclosure Statement / [Blackline Version]

03/19/2012 132 Order signed on 3/19/2012 Granting Motion to (I) Approve the First Modified Disclosure Statement, (II) Approving Related Notice Procedures and (III) Scheduling an Expedited Hearing on Confirmation of the Plan.

03/29/2012 152 Objection to Motion / Objection of GECMC 2007 C-1 Burnett Street, LLC to Debtors' Motion for Relief from Stipulation and Order Governing Debtors Use of Cash Collateral

04/03/2012 157 Reply to Motion Debtors' Reply to Objection Concerning Motion for Relief From Stipulation and Order Governing Debtors' Use of Cash Collateral and Related Matters Pursuant to Bankruptcy Rule 9024

04/12/2012 207 Transcript regarding Hearing Held on 4/5/12 RE: MOTION TO APPROVE STIPULATION AND ORDER GOVERNING DEBTORS USE OF CASH COLLATERAL AND RELATED MATTERS; OBJECTION TO GECMC 2007 C-1 BURNETT STREET TO DEBTORS MOTION FOR RELIEF FROM STIPULATION AND GOVERNING DEBTORS USE OF CASH COLLATERAL; DEBTORS REPLY TO OBJECTION CONCERNING MOTION FOR RELIEF FROM STIPULATION AND ORDER.

04/16/2012 160 Letter Debtors' Letter Brief Re: Motion for Relief From Cash Collateral Stipulation and Order Pursuant to Bankruptcy Rule 9024 (related document(s)126)

filed by Douglas J. Pick on behalf of Hoti Enterprises, LP, Hoti Realty Management Co., Inc.. (Pick, Douglas) (Entered: 04/16/2012)

04/20/2012 176 Affidavit of Victor Dedvukaj in Support of Motion (A) on Commencement of an Adversary Proceeding or, Alternatively, (B) for an Order Granting Dismissal of the Chapter 11 Cases, and (C) in Further Support to Object to the Confirmation of the Plan, filed by Victor Dedvukaj.

04/23/2012 163 Objection to Motion for confirmation of 1st Amended Disclosure Statement and Plan for Reorganization of the Debtors filed by Carl E. Person on behalf of Carl E. Person. (Person, Carl) (Entered: 04/23/2012)

04/23/2012 165 Supplemental Objection to Motion for confirmation of 1st Amended Disclosure Statement and Plan for Reorganization of the Debtors

04/23/2012 167 Debtors' Objection to Confirmation of First Modified Chapter 11 Plan Proposed By GECCMC 2007 C-1 Burnett Street LLC

04/23/2012 169 Objection to Confirmation of Amended Plan

04/23/2012 170 Objection to Motion for confirmation of 1st Amended Disclosure Statement and Plan for Reorganization of the Debtors (and is not the Objections of Carl E. Person, which have been filed separately) - filed by Carl E. Person on behalf of Marash Dedvukaj, Gjeloash Dedvukaj, Maruka Dedvukaj, Violeta Dedvukaj, Victor Dedvukaj, Hoti Enterprises, LP, Hoti Realty Management Co., Inc.

04/23/2012 172 Objection / Supplemental Objection to GECCMC's First Amended Disclosure Statement and Plan for Reorganization of the Debtors,

04/23/2012 177 Objection of the Debtors and Other Interested Persons to GECCMC's 1st Amended Disclosure Statement and Plan for Reorganization of the Debtors, (related document(s)129) filed by Gjeloash Dedvukaj, Marash Dedvukaj, Maruka Dedvukaj, Victor Dedvukaj, Violeta Dedvukaj.

04/26/2012 179 Memorandum of Law In Further Support Of Objection To Debtors' Motion For Relief From Stipulation And Order Governing Debtors' Use Of Cash Collateral

04/30/2012 183 Motion for Adjournment by Creditor, to adjourn May 3, 2012 hearing date for confirmation of Plan and related Disclosure Statement, for reasons set forth in motion

04/30/2012 184 Motion for Adjournment of hearing on May 3, 2012 to confirm GECCMC's Plan, for reasons set forth within, filed by Interested Persons Victor Dedvukaj, Violeta

Dedvukaj, Marash Dedvukaj, Gjeloš Dedvukaj and Maruka Dedvukaj (the "Partners"), and through the Partners on behalf of the two Debtors

04/30/2012 185 Second Amended Plan

04/30/2012 186 Second Amended Plan [Blackline Version]

04/30/2012 187 Declaration Of Steven Altman In Support Of Confirmation Of The Second Modified Chapter 11 Plan Of Reorganization For Hoti Enterprises, L.P. And Hoti Realty Management Co., Inc.

04/30/2012 188 Affidavit of Barbara S. Odwak, as Receiver, In Connection with Confirmation of the First Modified Chapter 11 Plan of Reorganization for Hoti Enterprises, L.P. and Hoti Realty Management Co., Inc.

04/30/2012 189 Memorandum of Law of GECMC 2007 C-1 Burnett Street, LLCs In Support Of Confirmation Of The Second Modified Chapter 11 Plan Of Reorganization For Hoti Enterprises, L.P. And Hoti Realty Management Co., Inc.

05/01/2012 193 Statement / Notice Of Filing Of Proposed Confirmation Order

05/02/2012 194 Objection to Confirmation of Amended Plan , Creditor Carl Person's Objections to GECMC's 2nd Amended Plan for Reorganization of the Debtors

05/02/2012 195 Objection to Confirmation of Amended Plan , Objections by Debtors and Other Interested Persons to GECMC's 2nd Amended Plan for Reorganization of the Debtors

05/08/2012 197 Affidavit in Opposition to Application of Rattet Pasternak, LLP for Final Allowance of Professional Compensation & Reimbursement of Expenses, (related document(s)91, 119) filed by Victor Dedvukaj. (Webb, Lonnie) (Entered: 05/08/2012)

05/11/2012 212 Transcript regarding Hearing Held on 5/3/12 RE: CONFIRMATION HEARING (RELATED DOCUMENT(S)114); DEBTORS OBJECTION TO CONFIRMATION OF FIRST MODIFIED CHAPTER 11 PLAN PROPOSED BY GECMC 2007 C-1 BURNETT STREET, LLC (RELATED DOCUMENT(S)131); APPLICATION FOR FINAL PROFESSIONAL COMPENSATION FOR RATTET PASTERNAK, LLP, DEBTORS ATTORNEY, PERIOD: 10/12/2010 TO 2/14/2011, FEE: \$130,688, EXPENSES: \$4,472.52, STATEMENT (COVER SHEET RELATING TO APPLICATION FOR FINAL ALLOWANCES (RELATED DOCUMENT(S)91).

05/16/2012 210 Order signed on 5/16/2012 Denying Motion for Relief from Cash Collateral Order. (Related Doc # 126) (Webb, Lonnie) (Entered: 05/16/2012)

05/29/2012 218 Notice of Appeal (related document(s)210) filed by Gjeloš Dedvukaj, Marash Dedvukaj, Maruka Dedvukaj, Victor Dedvukaj, Violeta Dedvukaj. Appellant Designation due by 6/12/2012

06/01/2012 222 Reply to Motion (Reply to Affidavit of Victor Dedvukaj ECF Docket 197) (related document(s)91, 119) filed by James B. Glucksman on behalf of Rattet Pasternak, LLP. (Glucksman, James) (Entered: 06/01/2012)

06/11/2012 226 Transcript of hearing in Supreme Court of the State of New York, County of Kings held on 5/30/2012 before the Honorable Yvonne Lewis.

06/12/2012 227 Third Amended Plan

06/12/2012 228 Third Amended Plan [Blackline Version]

06/12/2012 229 Statement /Notice of Filing of Revised Proposed Confirmation Order

06/12/2012 230 Statement /Notice of Filing of Exhibit 1 to the Third Modified Chapter 11 Plan of Reorganization for Hoti Enterprises, L.P. and Hoti Realty Management Co., Inc.

06/14/2012 246 Copy of DECISION dated June 13, 2012 by the Honorable Yvonne Lewis Supreme Court, County of Kings.

06/19/2012 240 Order signed on 6/19/2012 Re: Findings of Fact, Conclusions of Law and Order Confirming The Third Modified Chapter 11 Plan of Reorganization for Hoti Enterprises, LP and Hoti Realty Management Co., Inc.

06/19/2012 243 Order signed on 6/19/2012 Re: Findings of Fact, Conclusions of Law and Order Confirming The Third Modified Chapter 11 Plan of Reorganization for Hoti Enterprises, LP and Hoti Realty Management Co., Inc.

06/21/2012 245 Statement /Notice of Anticipated Effective Date and Deadline To File and Serve Good Faith Estimate of Compensation and Reimbursement Claims and Receiver Claims

06/26/2012 249 Designation of Contents (appellee). / GECMC 2007 C-1 Burnett Street, LLCs Designation Of Additional Items To Be Included In The Record On Appeal



06/29/2012 251 Motion to Reconsider FRCP 60 or FRBP 3008 filed by Mark A. Frankel on behalf of Hoti Enterprises, LP.

06/29/2012 253 Notice of Hearing of Motion for Reconsideration of Confirmation Order, or, in the alternative, for a stay pending appeal filed by Mark A. Frankel on behalf of Hoti Enterprises, LP.

07/02/2012 255 Statement / Notice Of Occurrence Of Effective Date Of Chapter 11 Plan And Deadline For Filing Final Applications For Allowance Of Compensation And Reimbursement Claims And Receiver Claims. [Fee Application Deadline and Receiver Application Deadline set for August 1, 2012 at 5:00 p.m. (prevailing Eastern Time)].

07/02/2012 256 Motion to Strike / Motion of GECMC 2007 C-1 Burnett Street, LLC For Entry Of An Order Striking Certain Items And Issues From Appellants Designation Of Items To Be Included In The Record On Appeal And Statement Of Issues Pursuant To Bankruptcy Rule 8006

07/05/2012 266 Objection to Motion /Objection of GECMC 2007 C-1 Burnett Street, LLC to Debtors' Motion for Reconsideration of Order Confirming Plan of Reorganization, Or In The Alternative, For A Stay Pending Appeal

07/10/2012 270 Objection to the Transfer of Funds Held by the Receiver in Accordance with the Chapter 11 Plan and the Confirmation Order

07/11/2012 272 Response to Objection to Motion for Reconsideration

07/11/2012 273 Declaration of Steven Altman In Support of Objection of GECMC 2007 C-1 Burnett Street, LLC to Debtors' Motion for Reconsideration of Order Confirming Plan of Reorganization, Or In The Alternative, For A Stay Pending Appeal

07/16/2012 276 Order signed on 7/16/2012 Denying Motion for Reconsideration of Order Confirming Plan of Reorganization, or in the alternative, for a Stay pending Appeal.

07/23/2012 281 Transcript regarding Hearing Held on June 14, 2012 at 11:53 AM RE: CORRECTED TRANSCRIPT re: Notice of Hearing in Support of an Order Granting Pick & Zabicki, LLP Leave to Withdraw As Counsel to The Debtors; Application to Employ Carl E. Person, Esq. as Special Litigation counsel to the Debtor; Motion of GECMC 2007 C-1 Burnett Street, LLC for Entry of an Order Fixing and Establishing Cure Amounts in Connection with the Assumption and Assignment of Unexpired Leases, etc.



07/27/2012 287 Notice of Appeal (related document(s)276, 243) filed by Mark A. Frankel on behalf of Hoti Enterprises, LP, Hoti Realty Management Co., Inc..

**STATEMENT OF ISSUES**

1. Whether the Bankruptcy Court erred in confirming Appellee's Chapter 11 Plan.
2. Whether the Court erred in denying the Appellants' Reconsideration Motion.

Dated: New York, New York  
August 10, 2012

BACKENROTH FRANKEL & KRINSKY, LLP  
Attorneys for Appellants

By: s/Mark A. Frankel (MF-8417)  
489 Fifth Avenue  
New York, New York 10017  
Tel: (212) 593-1100